

House Bill 597

By: Representatives Burmeister of the 119th, Scott of the 153rd, Keen of the 179th, Fleming of the 117th, and Geisinger of the 48th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to repeal a certain definition; to provide that a candidate must receive a majority of the votes cast to be elected to office; to provide that nonpartisan elections shall be held in conjunction with the November general election; to provide for qualifying for such nonpartisan election; to provide that electors must present proper identification when registering to vote or, if registering to vote for the first time in this state by mail, prior to voting; to provide for a state write-in absentee ballot for certain electors; to provide procedures for use of such ballot; to provide that no absentee ballot will be mailed after the seventh day prior to a primary or election; to provide that certain absentee ballots in runoffs that are postmarked by the date of the runoff may be received by the registrars up to ten days after the runoff; to provide for the types of identification that must be presented in order to register and to vote; to provide that the Secretary of State shall ensure that election superintendents know how to count certain provisional ballots; to extend the time for requesting a recount under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking paragraph (22) of Code Section 21-2-2, relating to definitions, and inserting in lieu thereof a new paragraph (22) to read as follows:

~~"(22) 'Plurality' means the receiving by one candidate alone of the highest number of votes cast for eligible candidates in an election among the candidates for the same office, provided that such number of votes exceeds 45 percent of the total number of votes cast in such election for such office. In the case where two or more persons tie in receiving the highest number of votes or no candidate receives more than 45 percent of the total~~

1 ~~votes cast for eligible candidates in the election for the office sought there is no plurality~~
2 Reserved."

3 SECTION 2.

4 Said chapter is further amended by striking subsections (c), (d), and (i) of Code Section
5 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, and
6 inserting in lieu thereof new subsections (c), (d), and (i) to read as follows:

7 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
8 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
9 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
10 names placed on the nonpartisan election ballot by the Secretary of State or election
11 superintendent, as the case may be, in the following manner:

12 (1) Each candidate for the office of judge of the superior court, Judge of the Court of
13 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
14 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
15 giving his or her name, residence address, and the office sought, in the office of the
16 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in ~~April~~ June
17 immediately prior to the election and no later than 12:00 Noon on the Friday following
18 the fourth Monday in ~~April~~ June, notwithstanding the fact that any such days may be
19 legal holidays; and

20 (2) Each candidate for a county judicial office, a local school board office, or an office
21 of a consolidated government, ~~except those offices which on July 1, 2001, were covered~~
22 ~~by local Acts of the General Assembly which provided for election in a nonpartisan~~
23 ~~election without a prior nonpartisan primary~~, or the candidate's agent, desiring to have
24 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in
25 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in ~~April~~
26 June immediately prior to the election and no later than 12:00 Noon on the Friday
27 following the fourth Monday in ~~April~~ June, notwithstanding the fact that any such days
28 may be legal holidays.

29 (d) Except as provided in subsection (i) of this Code section, all political body and
30 independent candidates shall file their notice of candidacy and pay the prescribed
31 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
32 names placed on the election ballot by the Secretary of State or election superintendent, as
33 the case may be, in the following manner:

34 (1) Each candidate for federal or state office, or his or her agent, desiring to have his or
35 her name placed on the election ballot shall file a notice of his or her candidacy, giving
36 his or her name, residence address, and the office he or she is seeking, in the office of the

1 Secretary of State no earlier than 9:00 A.M. on the fourth Monday in June immediately
2 prior to the election and no later than 12:00 Noon on the Friday following the fourth
3 Monday in June in the case of a general election and no earlier than the date of the call
4 of the election and no later than 25 days prior to the election in the case of a special
5 election;

6 (2) Each candidate for a county office, ~~including those offices which on July 1, 2001,~~
7 ~~were covered by local Acts of the General Assembly which provided for election in a~~
8 ~~nonpartisan election without a prior nonpartisan primary~~, or his or her agent, desiring to
9 have his or her name placed on the election ballot shall file notice of his or her candidacy
10 in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the
11 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on
12 the Friday following the fourth Monday in June in the case of a general election and no
13 earlier than the date of the call of the election and no later than 25 days prior to the
14 election in the case of a special election;

15 (3) Each candidate for municipal office or a designee shall file a notice of candidacy in
16 the office of the municipal superintendent of such candidate's municipality during the
17 municipality's qualifying period. Each municipal superintendent shall designate the days
18 of the qualifying period, which shall be no less than three days and no more than five
19 days. The days of the qualifying period shall be consecutive days. Qualifying periods
20 shall comply with the following:

21 (A) In the case of a general election held in an odd-numbered year, the municipal
22 qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in
23 September immediately preceding the general election and shall end no later than 4:30
24 P.M. on the following Friday;

25 (B) In the case of a general election held in an even-numbered year, the municipal
26 qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in
27 August immediately preceding the general election and shall end no later than 4:30
28 P.M. on the following Friday; and

29 (C) In the case of a special election, the municipal qualifying period shall commence
30 no earlier than the date of the call and shall end no later than 25 days prior to the
31 election.

32 The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour
33 allowed for the lunch break; provided, however, that municipalities which have normal
34 business hours which cover a lesser period of time shall conduct qualifying during normal
35 business hours for each such municipality. Except in the case of a special election, notice
36 of the opening and closing dates and the hours for candidates to qualify shall be published
37 at least two weeks prior to the opening of the qualifying period."

1 "(i) Notwithstanding any other provision of this chapter to the contrary, for general
2 elections held in the even-numbered year immediately following the official release of the
3 United States decennial census data to the states for the purpose of redistricting of the
4 legislatures and the United States House of Representatives, candidates in such elections
5 shall qualify as provided in this subsection:

6 (1) All candidates seeking election in a nonpartisan election shall file their notice of
7 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
8 in order to be eligible to have their names placed on the nonpartisan election ballot by the
9 Secretary of State or election superintendent, as the case may be, in the following
10 manner:

11 (A) Each candidate for the office of judge of the superior court, Judge of the Court of
12 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
13 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
14 giving his or her name, residence address, and the office sought, in the office of the
15 Secretary of State no earlier than 9:00 A.M. on the ~~third Wednesday in June~~ last
16 Monday in July immediately prior to the election and no later than 12:00 Noon on the
17 Friday following the ~~third Wednesday in June~~ last Monday in July, notwithstanding the
18 fact that any such days may be legal holidays; and

19 (B) Each candidate for a county judicial office, a local school board office, or an office
20 of a consolidated government, ~~except those offices which on July 1, 2001, were covered~~
21 ~~by local Acts of the General Assembly which provided for election in a nonpartisan~~
22 ~~election without a prior nonpartisan primary~~, or the candidate's agent, desiring to have
23 his or her name placed on the nonpartisan election ballot shall file a notice of candidacy
24 in the office of the superintendent no earlier than 9:00 A.M. on the ~~third Wednesday in~~
25 ~~June~~ last Monday in July immediately prior to the election and no later than 12:00 Noon
26 on the Friday following the ~~third Wednesday in June~~ last Monday in July,
27 notwithstanding the fact that any such days may be legal holidays;

28 (2) All political body and independent candidates shall file their notice of candidacy and
29 pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be
30 eligible to have their names placed on the general election ballot by the Secretary of State
31 or election superintendent, as the case may be, in the following manner:

32 (A) Each candidate for federal or state office, or his or her agent, desiring to have his
33 or her name placed on the general election ballot shall file a notice of his or her
34 candidacy, giving his or her name, residence address, and the office he or she is
35 seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last
36 Monday in July immediately prior to the election and no later than 12:00 Noon on the
37 Friday following the last Monday in July; and

(B) Each candidate for a county office, ~~including those offices which on July 1, 2001, were covered by local Acts of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary,~~ or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(3) Candidates required to file nomination petitions under subsection (e) of this Code section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July immediately prior to the general election and not later than 12:00 Noon on the first Monday in August immediately prior to the general election."

SECTION 3.

Said chapter is further amended by striking subsection (a) of Code Section 21-2-133, relating to giving notice of intent of write-in candidacy, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election for county, state, and federal elections; no later than seven days after the close of the municipal qualifying period for municipal elections in the case of a general election; ~~no earlier than January 1 and no later than the Tuesday after the first Monday in June in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary; no later than the third Monday in July in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives;~~ or at least 20 or more days prior to a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

(1) In a state general or special election, notice shall be filed with the Secretary of State and published in a newspaper of general circulation in the state;

(2) In a general or special election of county officers, notice shall be filed with the superintendent of elections in the county in which he or she is to be a candidate and published in the official organ of the same county; or

(3) In a municipal general or special election, notice shall be filed with the superintendent and published in the official gazette of the municipality holding the election."

SECTION 4.

Said chapter is further amended by striking Code Section 21-2-138, relating to nonpartisan elections for judicial offices, and inserting in lieu thereof a new Code Section 21-2-138 to read as follows:

"21-2-138.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general primary election in each even-numbered year; ~~provided that nonpartisan elections for the office of judge of the state court which was covered on July 1, 2001, by a local Act of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary shall be held and conducted jointly with the general election in even-numbered years.~~ No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. Candidates for any such office, ~~except offices which were covered on July 1, 2001, by a local Act of the General Assembly which provided for election in a nonpartisan election without a prior nonpartisan primary,~~ shall have their names placed on the nonpartisan portion of each ~~political party~~ ballot by complying with the requirements prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. ~~The Secretary of State may provide for the printing of independent ballots containing the names of the nonpartisan candidates for those voters not affiliated with a political party.~~ Candidates shall be listed on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to be employed in conducting the nonpartisan election of judges of state courts, judges of superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly as practicable to the procedures governing ~~general primaries and~~ general elections; and such ~~general primary and~~ general election procedures as are necessary to complete this

1 nonpartisan election process shall be adopted in a manner consistent with such nonpartisan
2 elections."

3 SECTION 5.

4 Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating
5 to nonpartisan elections authorized, and inserting in lieu thereof a new subsection (a) to read
6 as follows:

7 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
8 Assembly may provide by local Act for the election in nonpartisan elections of candidates
9 to fill county judicial offices, offices of local school boards, and offices of consolidated
10 governments which are filled by the vote of the electors of said county or political
11 subdivision. Except as otherwise provided in this Code section, the procedures to be
12 employed in such nonpartisan elections shall conform as nearly as practicable to the
13 procedures governing nonpartisan elections as provided in this chapter. Except as
14 otherwise provided in this Code section, the election procedures established by any existing
15 local law which provides for the nonpartisan election of candidates to fill county offices
16 shall conform to the general procedures governing nonpartisan elections as provided in this
17 chapter, and such nonpartisan elections shall be conducted in accordance with the
18 applicable provisions of this chapter, notwithstanding the provisions of any existing local
19 law. For those offices for which the General Assembly as of July 1, 2001, pursuant to this
20 Code section, provided by local Act for election in nonpartisan primaries and elections,
21 such offices shall no longer require nonpartisan primaries. Such officers shall be elected
22 in nonpartisan elections held and conducted in conjunction with the November general
23 primary election in accordance with this chapter without a prior nonpartisan primary. ~~For~~
24 ~~those offices for which the General Assembly as of July 1, 2001, provided by local Act for~~
25 ~~election in a nonpartisan election without a prior nonpartisan primary, such offices shall~~
26 ~~be elected in nonpartisan elections held and conducted in conjunction with the November~~
27 ~~general election without a prior nonpartisan primary.~~ Nonpartisan elections for municipal
28 offices shall be conducted on the dates provided in the municipal charter."

29 SECTION 6.

30 Said chapter is further amended by striking subsection (b) of Code Section 21-2-151, relating
31 to authorization for political party primaries, and inserting in lieu thereof a new subsection
32 (b) to read as follows:

33 "(b) The primary held for such purposes shall be conducted by the superintendent in the
34 same manner as prescribed by law and by rules and regulations of the State Election Board
35 and the superintendent for general elections. Primaries of all political parties ~~and all~~

1 ~~nonpartisan elections for nonpartisan offices other than those offices which were covered~~
2 ~~on July 1, 2001, by a local Act of the General Assembly which provided for election in a~~
3 ~~nonpartisan election without a prior nonpartisan primary shall be conducted jointly."~~

4 SECTION 7.

5 Said chapter is further amended by striking subsections (c) and (d) of Code Section 21-2-220,
6 relating to application for registration, and inserting in lieu thereof new subsections (c) and
7 (d) to read as follows:

8 "(c) Except as otherwise provided in this subsection, electors who register to vote for the
9 first time in this state in person must present current and valid identification containing a
10 photograph of the elector. Electors who register to vote for the first time in this state by
11 mail must present current and valid identification either when registering to vote by mail
12 or when voting for the first time after registering to vote by mail. The current and valid
13 identification shall be one or more of those forms of identification provided in Code
14 Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original
15 forms of identification submitted by applicants and return the originals to the applicants.
16 The requirement to submit identification shall not apply to:

17 ~~(1) Persons who submit identifying information with their applications that the registrars~~
18 ~~are able to match to information contained on a state database available to such registrars~~
19 ~~containing the same number, name, and date of birth as contained in the application;~~

20 ~~(2)~~ (1) Persons who are entitled to vote by absentee ballot under the federal Uniformed
21 and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or

22 ~~(3)~~ (2) Persons who are entitled to vote otherwise than in person under any other federal
23 law.

24 (d) If an applicant fails to provide all of the required information on the application for
25 voter registration ~~with the exception of current and valid identification~~, the board of
26 registrars shall notify the registrant in writing of the missing information. The board of
27 registrars shall not determine the eligibility of the applicant until and unless all required
28 information is supplied by the applicant. If the initial application is received prior to the
29 close of voter registration prior to an election, if the applicant supplies the necessary
30 information on or prior to the date of the election, and if the applicant is found eligible to
31 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the
32 election and any run-off elections resulting therefrom and subsequent elections; provided,
33 however, that voters who registered to vote for the first time in this state by mail must
34 supply current and valid identification when voting for the first time as required in
35 subsection (c) of this Code section. In the event the elector does not respond to the request
36 for the missing information within 30 days, the application shall be rejected."

SECTION 8.

Said chapter is further amended by striking Code Section 21-2-284.1, relating to the form of the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section 21-2-284.1 to read as follows:

"21-2-284.1.

~~(a) The names of all candidates seeking election in a nonpartisan election conducted in conjunction with a partisan primary shall be printed on the ballot of each political party; and insofar as practicable such offices to be filled in a nonpartisan election shall be separated from the names of political party candidates by being listed last on each political party ballot, with the top of that portion of the ballot relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after one is spoiled shall appear immediately under the caption as specified by rules and regulations of the State Election Board. Immediately under the directions, the names of the nonpartisan candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in alphabetical order. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. The incumbency of a nonpartisan candidate seeking election to the public office he or she then holds shall be indicated on the ballots by printing the word 'Incumbent' beside his or her name. Under the title of each office shall be placed a direction as to the number of nonpartisan candidates to be voted for. The votes cast for each nonpartisan candidate listed on all political party ballots shall be combined to determine the total number of votes received by each candidate in the nonpartisan election. In the event that a candidate in such nonpartisan election does not receive a plurality of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes for such office; and the names of such candidates shall be placed on each political party ballot at the general primary runoff in the same nonpartisan portion as prescribed in this Code section. If no political party runoff is required, the form of the ballot for the nonpartisan election runoff shall be prescribed by the Secretary of State or election superintendent in essentially the same format prescribed for nonpartisan elections. The candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office.~~

(b) In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary ballot shall conform insofar as practicable to the form of the official primary ballot as detailed in Code Section 21-2-284, except that:

(1) The following shall be printed at the top of each ballot in prominent type:

'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

(Name of Municipality)';

(2) There shall be no name or designation of any political organization nor any words, designation, or emblems descriptive of a candidate's political affiliation printed under or after any candidate's name which is printed on the ballot; and

(3) The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot."

SECTION 9.

Said chapter is further amended by striking Code Section 21-2-285.1, relating to the form of the ballot in nonpartisan elections, and inserting in lieu thereof a new Code Section 21-2-285.1 to read as follows:

"21-2-285.1.

The names of all candidates for offices which ~~were covered on July 1, 2001, by a local Act of the General Assembly which~~ has by local Act provided for election in a nonpartisan election ~~without a prior nonpartisan primary~~ shall be printed on each official election ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall be separated from the names of candidates for other offices by being listed last on each ballot, with the top of that portion of each official election ballot relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall appear immediately under the caption, as specified by rule or regulation of the State Election Board. Immediately under the directions, the name of each such nonpartisan candidate shall be arranged alphabetically by last name under the title of the office for which they are candidates and be printed thereunder. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a ~~plurality~~ majority of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes; and the names of such candidates shall be placed on the official ballot at the general election runoff in the same manner as prescribed in this Code section for the nonpartisan election. In the event that only nonpartisan candidates are to be placed on a run-off ballot,

1 the form of the ballot shall be as prescribed by the Secretary of State or election
2 superintendent in essentially the same format as prescribed for the nonpartisan election.
3 The candidate having a ~~plurality~~ majority of the votes cast in the nonpartisan election or
4 the candidate receiving the highest number of votes cast in the nonpartisan election runoff
5 shall be declared duly elected to such office."

6 **SECTION 10.**

7 Said chapter is further amended by adding a new Code Section 21-2-381.2 to read as follows:
8 "21-2-381.2.

9 (a) The Secretary of State shall design a state write-in absentee ballot for use in a primary
10 runoff or election runoff by an eligible absentee elector who lives outside the county or
11 municipality in which the election is held and who is:

12 (1) A member of the armed forces of the United States, a member of the merchant marine
13 of the United States, a member of the commissioned corps of the Public Health Service
14 or the National Oceanic and Atmospheric Administration, or a spouse or dependent of
15 such member residing with or accompanying said member; or

16 (2) A citizen of the United States residing outside the United States.

17 (b) Such state write-in absentee ballot shall be automatically included with any absentee
18 ballot sent to such eligible absentee electors for any general primary or general election in
19 which there are federal candidates on the ballot and there is a possibility of a primary
20 runoff or election runoff in which federal candidates will be on the runoff ballot. No
21 special request for such state write-in absentee ballot shall be required.

22 (c) The state write-in absentee ballot shall contain instructions for completing and
23 returning such ballot and shall advise the elector specifically that it should only be used in
24 the case of a primary runoff or election runoff involving federal candidates.

25 (d) The Secretary of State shall establish a website which such eligible absentee electors
26 may access to determine if there is a primary runoff or election runoff involving federal
27 candidates. The address of such website shall be included in the instructions for voting
28 such state write-in absentee ballot.

29 (e) The State Election Board may provide by rule or regulation for additional means of
30 transmitting the state write-in absentee ballot to eligible absentee electors including, but
31 not limited to, the use of facsimile transmissions and portable document format electronic
32 versions.

33 (f) The registrars shall send a regular absentee ballot to such eligible absentee electors in
34 accordance with Code Section 21-2-381. In the event that both the regular absentee ballot
35 and the state write-in absentee ballot are received by the registrars within the time period
36 for receiving absentee ballots, the regular absentee ballot shall be counted and the state

1 write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that
2 are returned too late to be counted. Ballots for primary runoffs and election runoffs that
3 are postmarked by the date of the primary runoff or election runoff, if proper in all other
4 respects, shall be counted if received by the registrars within the ten day period following
5 such primary runoff or election runoff."

6 SECTION 11.

7 Said chapter is further amended by striking subsection (a) of Code Section 21-2-384, relating
8 to mailing of absentee ballots, and inserting in lieu thereof a new subsection (a) to read as
9 follows:

10 "(a)(1) The superintendent shall, as soon as practicable prior to each primary or election,
11 but at least 45 days prior to any primary or general election other than a municipal
12 primary or election, and at least 21 days prior to any municipal primary or general
13 election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the
14 board of registrars or absentee ballot clerk for use in the primary or election. Envelopes
15 and other supplies as required by this article may be ordered by the superintendent, the
16 board of registrars, or the absentee ballot clerk for use in the primary or election.

17 (2) The board of registrars or absentee ballot clerk shall, within two days after the receipt
18 of such ballots and supplies, mail or issue official absentee ballots to all eligible
19 applicants; ~~and, as~~ As additional applicants are determined to be eligible, the board or
20 clerk shall mail or issue official absentee ballots to such additional applicants
21 immediately upon determining their eligibility; provided, however, that no absentee ballot
22 shall be mailed by the registrars or absentee ballot clerk on or after the seventh day prior
23 to a primary or election.

24 (3) The date a ballot is voted in the registrars' or absentee ballot clerk's office or the date
25 a ballot is mailed to an elector and the date it is returned shall be entered on the
26 application record therefor.

27 (4) The delivery of an absentee ballot to a person confined in a hospital may be made by
28 the registrar or clerk on the day of a primary or election or during a five-day period
29 immediately preceding the day of such primary or election.

30 (5) In the event an absentee ballot which has been mailed by the board of registrars or
31 absentee ballot clerk is not received by the applicant, the applicant may notify the board
32 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
33 has not been received. The board of registrars or absentee ballot clerk shall then issue a
34 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
35 shall be attached to the original application. A second application for an absentee ballot
36 shall not be required."

SECTION 12.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 21-2-386, relating to the safekeeping, certification, and validation of absentee ballots, and inserting in lieu thereof a new paragraph (1) to read as follows:

"(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely and unopened all official absentee ballots received from absentee electors prior to the closing of the polls on the day of the primary or election except as otherwise provided in this subsection.

(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's application for absentee ballot or a facsimile of said signature or mark taken from said application, and shall, if the information and signature appear to be valid, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

(C) If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least one year.

(D) Three copies of the numbered list of voters shall also be prepared for such rejected absentee electors, giving the name of the elector and the reason for the rejection in each case. Three copies of the numbered list of certified absentee voters and three copies of the numbered list of rejected absentee voters for each precinct shall be turned over to the poll manager in charge of counting the absentee ballots and shall be distributed as required by law for numbered lists of voters.

(E) All absentee ballots returned to the board or absentee ballot clerk after the closing of the polls on the day of the primary or election shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election. The board of registrars or absentee ballot clerk shall

promptly notify the elector by first-class mail that the elector's ballot was returned too late to be counted and that the elector will not receive credit for voting in the primary or election. All such late absentee ballots shall be delivered to the appropriate clerk and stored as provided in Code Section 21-2-390.

(F) Notwithstanding any provision of this chapter to the contrary, absentee ballots cast in a primary runoff or election runoff by eligible absentee electors who reside outside the county or municipality in which the primary runoff or election runoff is held and are members of the armed forces of the United States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such members, or overseas citizens that are postmarked by the date of the primary runoff or election runoff and are received within the ten day period following such primary runoff or election runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results."

SECTION 13.

Said chapter is further amended by striking Code Section 21-2-417, relating to presentation of identification to poll workers, and inserting in lieu thereof a new Code Section 21-2-417 to read as follows:

"21-2-417.

(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

(1) A valid Georgia driver's license;

(2) A valid identification card containing a photograph of the elector and issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification;

(3) A valid United States passport;

(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;

(5) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;

(6) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia; or

~~(7) A valid Georgia license to carry a pistol or revolver;~~
~~(8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;~~
~~(9) (7) A valid United States military identification card containing a photograph of the elector;~~
~~(10) A certified copy of the elector's birth certificate;~~
~~(11) A valid social security card;~~
~~(12) Certified naturalization documentation;~~
~~(13) A certified copy of court records showing adoption, name, or sex change;~~
~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the elector;~~
~~(15) A bank statement, or a legible copy thereof, showing the name and address of the elector;~~
~~(16) A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or~~
~~(17) A government document, or a legible copy thereof, showing the name and address of the elector.~~

~~(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an An elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."~~

SECTION 14.

Said chapter is further amended by striking paragraph (2) of subsection (c) of Code Section 21-2-419, relating to validation of provisional ballots, and inserting in lieu thereof a new paragraph (2) to read as follows:

“(2) If the registrars determine after the polls close, but not later than two days following the primary or election, that the person voting the provisional ballot timely registered and was eligible and entitled to vote in the primary or election but voted in the wrong precinct, then the board of registrars shall notify the election superintendent. The superintendent shall count such person’s votes which were cast for candidates in those races for which the person was entitled to vote but shall not count the votes cast for candidates in those races in which such person was not entitled to vote. The superintendent shall order the proper election official at the tabulating center or precinct to prepare an accurate duplicate ballot containing only those votes cast by such person in those races in which such person was entitled to vote for processing at the tabulating center or precinct, which shall be verified in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the polling place, and shall be given the same serial number as the original ballot. The original ballot shall be retained. Prior to each primary, election, and runoff, the Secretary of State shall ensure that each election superintendent is aware of the proper method for counting such provisional ballots under this paragraph.”

SECTION 15.

Said chapter is further amended by striking subsection (c) of Code Section 21-2-495, relating to procedure for recount or recanvass of votes, and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office in a primary election or who has been declared elected to an office in an election or who has been declared eligible for a run-off primary or election and the number of votes received by any other candidate or candidates not declared so nominated or elected or eligible for a runoff shall be not more than 1 percent of the total votes which were cast for such office therein, any such candidate or candidates receiving a sufficient number of votes so that the difference between his or her vote and that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1 percent of the total votes cast, within a period of ~~two business~~ five days following the certification of the election results, shall have the right to a recount of the votes cast, if such request is made in writing by the losing candidate. If the office sought is a federal or state office voted upon by the electors of more than one county, the request shall be made to the Secretary of State who shall direct that the recount be performed in all counties in which electors voted for such office and notify the superintendents of the several counties involved of the request. In all other cases, the request shall be made to the superintendent. The superintendent or superintendents shall order a recount of such votes to be made

1 immediately. If, upon such recount, it is determined that the original count was incorrect,
2 the returns and all papers prepared by the superintendent, the superintendents, or the
3 Secretary of State shall be corrected accordingly and the results recertified."

4 **SECTION 16.**

5 Said chapter is further amended by striking Code Section 21-2-501, relating to number of
6 votes required for election, and inserting in lieu thereof a new Code Section 21-2-501 to read
7 as follows:

8 "21-2-501.

9 (a) Except as otherwise provided in this Code section, no candidate shall be nominated for
10 public office in any primary or special primary or elected to public office in any election
11 or special election unless such candidate shall have received a majority of the votes cast
12 to fill such nomination or public office. In instances where no candidate receives a
13 majority of the votes cast, a run-off primary, special primary runoff, run-off election, or
14 special election runoff between the candidates receiving the two highest numbers of votes
15 shall be held. Unless such date is postponed by a court order, such run-off primary, special
16 primary runoff, run-off election, or special election runoff shall be held on the twenty-first
17 day after the day of holding the preceding primary, special primary, election, or special
18 election, provided that, unless postponed by court order, a runoff in the case of a special
19 primary or special election shall be held no sooner than the fourteenth day and no later than
20 the twenty-first day after the day of holding the preceding special primary or special
21 election, which run-off day shall be determined by the Secretary of State in a runoff to fill
22 a federal or state office or by the superintendent in a runoff to fill a county or militia district
23 office. If any candidate eligible to be in a runoff withdraws, dies, or is found to be
24 ineligible, the remaining candidates receiving the two highest numbers of votes shall be the
25 candidates in the runoff. The candidate receiving the highest number of the votes cast in
26 such run-off primary, special primary runoff, run-off election, or special election runoff to
27 fill the nomination or public office sought shall be declared the winner. The name of a
28 write-in candidate eligible for election in a runoff shall be printed on the election or special
29 election run-off ballot in the independent column. The run-off primary, special primary
30 runoff, run-off election, or special election runoff shall be a continuation of the primary,
31 special primary, election, or special election for the particular office concerned. Only the
32 electors who were duly registered to vote and not subsequently deemed disqualified to vote
33 in the primary, special primary, election, or special election for candidates for that
34 particular office shall be entitled to vote therein, and only those votes cast for the persons
35 designated as candidates in such run-off primary, special primary runoff, run-off election,
36 or special election runoff shall be counted in the tabulation and canvass of the votes cast.

1 No elector shall vote in a run-off primary or special primary runoff in violation of Code
2 Section 21-2-224.

3 (b) For the purposes of this subsection ~~and notwithstanding the provisions of paragraph~~
4 ~~(22) of Code Section 21-2-2~~, the word 'plurality' shall mean the receiving by one candidate
5 alone of the highest number of votes cast. If the municipal charter or ordinances of a
6 municipality as now existing or as amended subsequent to September 1, 1968, provide that
7 a candidate may be nominated or elected by a plurality of the votes cast to fill such
8 nomination or public office, such provision shall prevail. Otherwise, no municipal
9 candidate shall be nominated for public office in any primary or elected to public office in
10 any election unless such candidate shall have received a majority of the votes cast to fill
11 such nomination or public office.

12 (c) In instances in which no municipal candidate receives a majority of the votes cast and
13 the municipal charter or ordinances do not provide for nomination or election by a plurality
14 vote, a run-off primary or election shall be held between the candidates receiving the two
15 highest numbers of votes. Such runoff shall be held on the twenty-first day after the day
16 of holding the first primary or election, unless such run-off date is postponed by court
17 order. Only the electors entitled to vote in the first primary or election shall be entitled to
18 vote in any run-off primary or election resulting therefrom; provided, however, that no
19 elector shall vote in a run-off primary in violation of Code Section 21-2-216. The run-off
20 primary or election shall be a continuation of the first primary or election, and only those
21 votes cast for the candidates receiving the two highest numbers of votes in the first primary
22 or election shall be counted. No write-in votes may be cast in such a primary, run-off
23 primary, or run-off election. If any candidate eligible to be in a runoff withdraws, dies, or
24 is found to be ineligible, the remaining candidates receiving the two highest numbers of
25 votes shall be the candidates in such runoff. The municipal candidate receiving the highest
26 number of the votes cast in such run-off primary or run-off election to fill the nomination
27 or public office sought shall be declared the winner.

28 (d) The name of a municipal write-in candidate eligible for election in a municipal runoff
29 shall be printed on the municipal run-off election ballot in the independent column.

30 (e) In all cities having a population in excess of 100,000 according to the United States
31 decennial census of 1980 or any future such census, in order for a municipal candidate to
32 be nominated for public office in any primary or elected to public office in any municipal
33 election, he or she must receive a majority of the votes cast.

34 (f) Except for presidential electors, to be elected to public office in a general election, a
35 candidate must receive a ~~plurality~~ majority of the votes cast in an election to fill such public
36 office. To be elected to the office of presidential electors, no slate of candidates shall be

1 required to receive a plurality majority of the votes cast, but that slate of candidates shall
2 be elected to such office which receives the highest number of votes cast.

3 ~~(g) In the event that no candidate receives a plurality of the votes cast in a general election,~~
4 ~~a runoff of the general election between the candidates receiving the two highest numbers~~
5 ~~of votes shall be held. If more than one candidate in a general election receives a plurality~~
6 ~~of the votes cast, the candidate receiving the highest number of votes cast shall be declared~~
7 ~~the winner. Unless such date is postponed by a court order, such runoff shall be held on~~
8 ~~the twenty-first day after the day of holding the preceding general election. If any~~
9 ~~candidate eligible to be in such runoff withdraws, dies, or is found to be ineligible, the~~
10 ~~remaining candidates receiving the two highest numbers of votes shall be the candidates~~
11 ~~in the runoff. The candidate receiving the highest number of the votes cast in such runoff~~
12 ~~to fill the public office such candidate seeks shall be declared the winner. The name of a~~
13 ~~write-in candidate eligible for election in a runoff shall be printed on the run-off election~~
14 ~~ballot in the independent column. The run-off election of a general election shall be a~~
15 ~~continuation of the general election for the particular office concerned. Only the electors~~
16 ~~who were duly registered to vote and not subsequently deemed disqualified to vote for that~~
17 ~~particular office in such general election shall be entitled to vote therein, and only those~~
18 ~~votes cast for the persons designated as candidates in such runoff shall be counted in the~~
19 ~~tabulation and canvass of the votes cast."~~

20 SECTION 17.

21 All laws and parts of laws in conflict with this Act are repealed.